

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

CITY OF SEATTLE and CITY OF
PORTLAND,

Plaintiffs,

vs.

DONALD J. TRUMP, *et al*,

Defendants.

No. 2:17-CV-00497-RAJ

STIPULATION FOR ENTRY OF
PROPOSED AGREED ORDER AND
JUDGMENT GRANTING
DECLARATORY RELIEF

STIPULATION

The parties hereto, by and through their respective counsel, have conferred and agreed, and respectfully request the Court to enter the attached proposed Order and Judgment Granting Declaratory Relief.

DATED this 19th day of October , 2018

PETER S. HOLMES
Seattle City Attorney

By: /s/ Carlton W.M. Seu
Peter S. Holmes, WSBA #15787

STIPULATION FOR ENTRY OF PROPOSED
AGREED ORDER AND JUDGMENT
GRANTING DECLARATORY RELIEF

- 1

2:17-CV-00497-RAJ

Peter S. Holmes
Seattle City Attorney
701 5th Avenue, Suite 2050
Seattle, WA 98104-7097
(206) 684-8200

1 Seattle City Attorney
2 Gregory C. Narver, WSBA #18127
3 Assistant City Attorney
4 Carlton W.M. Seu, WSBA #26830
5 Assistant City Attorney
6 Michael K. Ryan, WSBA #32091
7 Assistant City Attorney
8 Gary T. Smith, WSBA #29718
9 Assistant City Attorney
10 SEATTLE CITY ATTORNEY'S OFFICE
11 701 Fifth Avenue, Suite 2050
12 Seattle, WA 98104
13 Phone: (206) 684-8207
14 Fax: (206) 684-8284

Attorneys for the City of Seattle, Washington

/s/ Denis Vannier

10 Tracy Reeve, OSB # 891123 (admitted *pro hac vice*)
11 Portland City Attorney
12 Denis Vannier, OSB # 044406 (admitted *pro hac vice*)
13 Deputy City Attorney
14 PORTLAND CITY ATTORNEY'S OFFICE
15 430 City Hall
16 1221 SW Fourth Avenue
17 Portland, OR 97204
18 Phone: (503) 823-4047
19 Fax: (503) 823-3089

Attorneys for the City of Portland, Oregon

/s/ Charles A. Rothfeld

17 Andrew J. Pincus (admitted *pro hac vice*)
18 Charles A. Rothfeld (admitted *pro hac vice*)
19 Ori Lev (admitted *pro hac vice*)
20 Joshua M. Silverstein (admitted *pro hac vice*)
21 MAYER BROWN LLP
22 1999 K Street, NW
23 Washington, D.C. 20006
Phone: (202) 263-3000
Fax: (202) 263-3300

Attorneys for Plaintiffs

23 STIPULATION FOR ENTRY OF PROPOSED
AGREED ORDER AND JUDGMENT
GRANTING DECLARATORY RELIEF

- 2

2:17-CV-00497-RAJ

Peter S. Holmes
Seattle City Attorney
701 5th Avenue, Suite 2050
Seattle, WA 98104-7097
(206) 684-8200

JOSEPH H. HUNT
Assistant Attorney General

ANNETTE L. HAYES
United States Attorney

JOHN R. TYLER
Assistant Director

/s/ W. Scott Simpson
W. SCOTT SIMPSON
Senior Trial Counsel
Department of Justice, Civil Division
318 South Sixth Street, Room 244
Springfield, Illinois 62701
Telephone: (202) 514-3495
Facsimile: (217) 492-4888
E-mail: scott.simpson@usdoj.gov

Attorneys for Defendants

STIPULATION FOR ENTRY OF PROPOSED
AGREED ORDER AND JUDGMENT
GRANTING DECLARATORY RELIEF

- 3

2:17-CV-00497-RAJ

Peter S. Holmes
Seattle City Attorney
701 5th Avenue, Suite 2050
Seattle, WA 98104-7097
(206) 684-8200

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of October, 2018, I electronically filed this Stipulation for Entry of Proposed Agreed Order and Judgment Granting Declaratory Relief with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

DATED this 19th day of October, 2018, at Seattle, Washington.

By: /s/ Carlton W.M. Seu
Carlton W.M. Seu, WSBA #26830
carlton.seu@seattle.gov

STIPULATION FOR ENTRY OF PROPOSED
AGREED ORDER AND JUDGMENT
GRANTING DECLARATORY RELIEF

- 4

2:17-CV-00497-RAJ

Peter S. Holmes
Seattle City Attorney
701 5th Avenue, Suite 2050
Seattle, WA 98104-7097
(206) 684-8200

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF SEATTLE and CITY OF
PORTLAND,

Plaintiffs,

vs.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 17-497-RAJ

**ORDER AND JUDGMENT GRANTING
DECLARATORY RELIEF**

Upon consideration of the parties' briefs and the balance of the record, the decision in *City and County of San Francisco v. Trump*, 897 F.3d 1225 (9th Cir. 2018), and the parties' agreement on the appropriate disposition of this case, it is hereby

ADJUDGED against defendants Jefferson B. Sessions, III, Attorney General, and Kirstjen M. Nielsen, Secretary of Homeland Security, that Section 9(a) of Executive Order 13,768, "Enhancing Public Safety in the Interior of the United States," is unconstitutional; and it is further

ADJUDGED against the same defendants that, because Section 9(a) of Executive Order 13,768 directs Executive Branch administrative agencies to withhold funding that Congress has not

1 tied to compliance with 8 U.S.C. § 1373, it would be unconstitutional for Executive Branch agencies
2 to withhold appropriated funds from plaintiffs Cities of Seattle and Portland pursuant to Section 9(a)
3 of the Executive Order.

4 This Order and Judgment does not address whether any specific statutory grant program
5 permits grants to be conditioned on compliance with 8 U.S.C. § 1373.

6 DATED this _____ day of October, 2018.

7
8 _____
9 The Honorable Richard A. Jones
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23